

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
ORDER NO.
COALITION GROUP
GENERAL ORDER OF WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

SCOPE OF COVERAGE OF THIS ORDER

1. This Order serves as general waste discharge requirements for discharges of agricultural irrigation run off and stormwater discharge from irrigated agricultural land to waters of the state in the Tulare Lake Basin.
2. This Order applies to owners and operators of irrigated agricultural lands in the Tulare Lake Basin (hereinafter Dischargers). Dischargers that do not qualify for coverage under this Order will be covered under separate general or individual waste discharge requirements or a waiver of waste discharge requirements.

REASON FOR THE CENTRAL VALLEY WATER BOARD ISSUING THIS ORDER

Board Authority

3. The Central Valley Water Board has authority to regulate waste discharges that could affect the quality of the waters of the state, which includes surface water and the prevention of nuisances, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).

Report of Waste Discharge

4. California Water Code section 13260 requires any person discharging waste, or proposing to discharge waste, within the Central Valley Region, that could affect the quality of the waters of the state (which includes both surface waters and groundwaters) to file a report of waste discharge with the Central Valley Water Board.

General Order Applicability

5. The Central Valley Water Board is required to prescribe waste discharge requirements for proposed, existing, or material changes in discharges of waste and must implement the relevant water quality control plans pursuant to California Water Code section 13263(i). The Central Valley Water Board may prescribe general waste discharge requirements as to a category of discharges if all the following criteria apply to the discharges in that category:
 - a. The discharges are produced by the same or similar operations.
 - b. The discharges involve the same or similar types of waste.
 - c. The discharges require the same or similar treatment standards.
 - d. The discharges are more appropriately regulated under general requirements than individual requirements.

Specific Findings

6. As set forth in detail below the Board hereby finds that this general order a) specifically applies to similar agricultural operations, and similar agricultural wastes, b) will require similar management practices or treatments, and c) is far more appropriate to regulate agricultural discharges in the Tulare Lake Basin than individual discharge requirements.

7. Discharger

Irrigated agricultural property owners or operators or water districts empowered to act on behalf of their landowners, may elect to be covered by this General Order relative to any irrigation return flow or stormwater discharge from these lands in the Tulare Lake Basin which may reach waters of the state.

8. Water Quality Management

It is not feasible or practical to individually monitor each of the thousands of agricultural discharges in the sub-basin. Therefore, the provisions of this General Permit rely on the successful program which has evolved in the ILP agricultural waiver and has involved coalitions, monitoring, and the implementation of BMPs to control the discharge of pollutants to surface waters and to achieve compliance with Basin Plan designated Beneficial Uses and applicable water quality objectives.

Water quality monitoring will be required and reported consequently such data will be used to assess where additional actions may be necessary. If necessary, this general permit may be modified to address further issues.

9. The Tulare Lake Basin Sub-Basin Characteristics

The Tulare Lake Basin is a unique sub-basin within the Central Valley Region which has always been dealt with separately by the Regional Board. It is classified as a separate sub-basin and governed by a separate Basin Plan. The four major river systems, Kings, Kaweah, Tule and Kern, which dominate the sub-basin historically naturally flowed to and terminated in isolated lake basins, i.e., the Tulare Lake Basin and Buena Vista Lake Basin. The Valley floor water canal systems, however, have been hydrologically altered into agricultural irrigation conveyances. The waters in this sub-basin; therefore, terminate within the sub-basin through field application, transpiration and evaporation and do not continue beyond this sub-basin and therefore principally serve the agricultural beneficial use. Because the Valley floor waters have limited designated beneficial uses beyond their agricultural use, therefore, limited water quality objectives apply thereto. The sub-basin waters do not flow to the San Joaquin River or Delta, as this is a closed agricultural basin.

The Tulare Lake Basin does not support a valuable fishery in the Valley floor and only has two limited 303(d) listings on the lower Kings River based on legacy compounds (i.e., toxephene, which is no longer registered for use).

10. Tulare Lake Basin, Basin Plan

The following excerpts from the Basin Plan provide the basis of this separate general order:

“Surface water from the Tulare Lake Basin only drains north into the San Joaquin River in years of extreme rainfall. This essentially closed basin is situated in the topographic horseshoe formed by the Diablo and Temblor Ranges on the west, by the San Emigdio and Tehachapi Mountains on the south, and by the Sierra Nevada Mountains on the east and southeast. (I-1)

The Basin is one of the most important agricultural centers of the world. Industries related to agriculture, such as food processing and packaging (including canning, drying, and wine making), are prominent throughout the area. (I-1)

Buena Vista Lake and Tulare Lake, natural depressions on the valley floor, receive flood water from the major rivers during times of heavy runoff. (I-1)

Specific sources nonpoint source pollution may be difficult to identify, treat, or regulate. The goal is to reduce the adverse impact of nonpoint source discharges on the Basin's water resources

through better management of these activities. Much of the nonpoint source pollutants originate from agriculture. The Basin's economy is dependent upon agriculture, which is dependent upon water. (I-3)

Two historical problems within the Tulare Lake Basin are poor sanitation associated with recreational use and erosion from construction, logging, grazing, and irrigated agriculture. (I-3)

Runoff from residential and industrial areas can contribute to water quality degradation. Urban storm water runoff contains organics, pesticides, oil, grease, and heavy metals. (IV-15)"

11. Unique Regulatory History

Since 2003, the entire Central Valley (Region 5) has been governed by a single agricultural waiver covering this very large and diverse basin. The waiver had to be designed to deal with the Delta, the Sacramento and San Joaquin River networks, address several 303(d) listings/TMDLs, toxic hot spots and many other water quality issues which exist in the Central and Northern portions of the Central Valley Region, but not in the Tulare Lake Basin.

The water quality in the Tulare Lake Basin has been administered by the Southern San Joaquin Valley Water Quality Coalition (SSJVWQC) and the Westlands Water Quality Coalition under the existing agricultural waiver. The Southern San Joaquin Valley and Westlands Water Quality Coalitions have monitored the water quality and the data record demonstrates very few targeted water quality issues and which can be more effectively and efficiently addressed by a general order fashioned to specifically reflect the hydrology and water quality issues of this unique and important Tulare Lake Basin.

12. Justification for the General Permit

There is significant irrigated agriculture in the Tulare Lake Basin, but due to the unique hydrology, limited rainfall, and water conservation practices only a portion of those lands actually discharge either irrigation or storm run off to surface waters and generally do not contain significant pollutants. These discharges are more appropriately regulated under a general WDR order rather than individual WDR permits or agricultural waivers which are designed for other areas and situations. Regulating these discharges under a general permit provides adequate monitoring, reporting and targeted actions to deal with identified problems.

13. Obtaining Permit Authorization

To obtain authorization for discharges under this General Permit, the landowner

or operator, or the water district on behalf of all of its enrolled land, must submit a Notice of Intent (NOI), and an indication of compliance with the terms of the order and the Managing and Reporting Plan (MRP) appendix, which addresses water quality monitoring and encourages Best Management Practices (BMPs) designed to control the discharge. The monitoring program is designed to assess the quality of waters in the Basin and identify the source and cause of water quality problems. BMPs shall be designed so as to generally improve water quality in the Basin and specifically address management practices to ensure compliance with the Basin Plan Objectives. Operator or the qualifying water district shall be authorized to discharge under the terms and conditions of this General Permit only after receiving a written Notice of Applicability (NOA) from the Regional Board Executive Officer or his or her designee.

14. Monitoring Requirements

The participants under this General Order shall be governed by the attached discharge requirements and the Monitoring and Reporting Program. The Monitoring and Reporting Program will assure that the monitoring plans will evaluate the impacts of agricultural discharges in the Tulare Lake Basin to determine compliance with the Basin Plan standards and the terms of this General Order. In order to fulfill these objectives the monitoring program will 1) monitor the condition of the waters of the state within the basin; 2) identify the extent of water quality problems; 3) identify the sources of such problems/exceedances; 4) catalog and encourage the use of management practices to mitigate or resolve such problems; and 5) evaluate the trend of improvement in such waters.

Best Management Practices

15. This Order will result in implementation of best management practices as set forth in the Information Sheet.

Water Quality Objectives

16. This Order will assure that any WQO exceedances will be addressed which is consistent with maximum benefit to the people of the State will be maintained. Any authorized discharge from the land application area must not cause or contribute to an exceedance of any applicable water quality objective or federal water quality criteria.

Reasonable Compliance Schedule

17. It is possible that some minor degradation to surface waters from the application of waste to land application areas could occur despite compliance with this Order. That degradation would be limited because any such discharge may not cause or contribute to the exceedance of any water quality objective in the surface water.

Such possible minor degradation is consistent with the maximum benefit to the people of the state. This Order would impose significantly more stringent requirements than has been imposed in the past tailored to the Tulare Basin and, as a result, water quality will be improved. While this Order will impose new requirements, it will still accommodate important economic activities in mostly rural areas of the Central Valley Region, which is considered to be a benefit to the people of the State.

18. Discharge Categories Covered Under This Permit

The General Permit covers discharges of pollutants to surface waters that in this basin generally constitute low-threat waste loads from irrigated agricultural lands. This General Permit covers discharges from the following sources:

- a. Agricultural return flows; and
- b. Stormwater runoff from irrigated ag lands.

The General Permit is intended to regulate the limited threat discharges identified above.

GENERAL FINDINGS

- 19. The Central Valley Region has more than seven million acres of cropland under irrigation and thousands of individuals and operations generating wastewater that falls into the category of "discharges of waste from irrigated lands." The Tulare Lake Basin includes over four million of these irrigated acres.
- 20. Tulare Lake Basin sub-basin is distinct from the balance of the region in respect to hydrologic, drainage, and water conveyance systems.
- 21. The Tulare Lake Basin has more than a hundred miles of surface waters that are, or may be, affected by discharges of waste from irrigated lands. These discharges may adversely affect the quality of the "waters of the State," as defined in Attachment A of this Order.
- 22. Irrigated lands in the Tulare Lake Basin are lands where water is applied to produce crops including, but not limited to, land planted to row, vineyard, pasture, field and tree crops, commercial nurseries, nursery stock production, managed wetlands, and greenhouse operations with permeable floors that do not currently discharge under waste discharge requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, Municipal Separate Storm Sewer System permits, or other NPDES permits.

23. Regional water quality data from the Surface Water Ambient Monitoring Program, the Stormwater Monitoring Program, NPDES Receiving Water Monitoring Reports, Irrigated Lands Program and other monitoring programs identify waters of the State with impaired water quality that appears attributable to or influenced by agriculture in areas of irrigated lands.
24. Some water bodies within the Central Valley Region have been listed as impaired pursuant to Clean Water Act Section 303(d). The 303(d) list of impaired water bodies includes those where agriculture has been identified as a potential source of constituents that impair beneficial uses of some waters within the Central Valley Region and threaten the quality of waters of the State. Presently, there are no such agriculture caused 303(d) listings which exist in the Tulare Lake Basin.
25. The Regional Board has a separate Basin Plan for Tulare Lake Basin due to its unique character. The Basin Plan states . .

LEGAL AND REGULATORY CONSIDERATIONS

26. California Water Code (Water Code) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall individually file with the appropriate Regional Board a report of waste discharge (RWD) containing such information and data as may be required by the Central Valley Water Board, or comply with the terms of a General Order WDR, unless the Central Valley Water Board waives such WDR requirement.
27. Whether an individual discharge of waste from irrigated lands may affect the quality of the waters of the State depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, crop type, management practices and other site-specific factors. These individual discharges may also have a cumulative effect on waters of the State. Waste discharges from some irrigated lands may impair the quality of the waters of the State within the Tulare Lake Basin if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in Water Code Division 7).
28. Water Code Section 13263 requires the Central Valley Water Board to prescribe individual WDRs, General Orders for WDRs or waive WDRs, for the discharge. The WDRs must implement relevant water quality control plans and the Water Code.
29. For the purposes of the General Order, Water Districts, as defined in Attachment A, may join a Coalition Group for coverage under this Order for their discharges from operational spills, discharges resulting from facility maintenance activities,

and discharges from drainage and stormwater facilities containing tailwater and/or stormwater from irrigated lands.

30. Attachment A to this General Order identifies plans and policies, which contain regulatory requirements that apply to the discharge of waste from irrigated lands. Attachment A also provides definitions of terms for purposes of this Order and an Information Sheet that further clarifies the "tributary rule."
31. The General Order is for owners and/or operators of irrigated lands in Tulare Lake Basin who have knowingly elected to participate in a Coalition Group approved by the Central Valley Water Board to comply with the Water Code and the Central Valley Water Board's plans and policies. Water districts expressly authorized to act on behalf of its members may knowingly make such election to participate on behalf of such member lands.
32. To implement the General Order and to provide accountability, the Central Valley Water Board must receive sufficient information to identify Dischargers and discharging lands who have complied with the Water Code by knowingly electing to participate in a Coalition Group that complies with the General Order. Attachment B requires that Coalition Groups maintain an electronic list with specific information about the landowners and/or operators of irrigated lands that discharge waste to waters of the State who are knowingly participating in the Coalition Group. The Central Valley Water Board acknowledges that the Coalition Groups are not responsible for enforcing the Water Code.
33. This General Order requires the implementation of a monitoring and reporting program (MRP) as set forth in MRP Order No. R5-2008-0005 for Coalition Groups that is intended to determine the effects of irrigated lands on water quality, to support the implementation of the General Order, to verify the adequacy and effectiveness of the General Order's conditions, and to evaluate each Coalition Group's compliance with the terms and conditions of the General Order. A Coalition Group that is covered under the General Order must comply with MRP Order R5-2008-0005.
34. Water Code Section 13267(b)(1) states: In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to

be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

35. Technical reports are necessary to evaluate each Coalition Group's compliance with the terms and conditions of the General Order and to assure protection of waters of the State in the Tulare Lake Basin.
36. The Central Valley Water Board's *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains programs of implementation needed to achieve water quality objectives, and references the plans and policies adopted by the State Water Board. The water quality objectives are developed to protect the beneficial uses of waters of the State. Compliance with water quality objectives will protect the beneficial uses listed in the Basin Plan.
37. The General Order is consistent with the Tulare Lake Basin Plan because it requires compliance with applicable water quality standards, as defined in Attachment A, and requires the prevention of nuisance. It requires implementation of a monitoring and reporting program to determine effects on water quality and implementation of management practices to comply with applicable water quality standards.
38. Pursuant to the Basin Plan and State Water Board plans and policies, including State Water Board Resolution No. 88-63, and consistent with the federal Clean Water Act, the beneficial uses of waters in the Tulare Lake Basin are designated in the Tulare Lake Basin Basin Plan.
39. In May 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy is to improve the State's ability to effectively manage NPS pollution and conform to the requirements of the Federal Clean Water Act and the Federal Coastal Zone Act Reauthorization Amendments of 1990. The NPS Policy provides a bridge between the State Water Board's January 2000 *NPS Program Plan* and its 2002 *Water Quality Enforcement Policy*. NPS Policy requires, among other key elements, that an NPS control implementation program's ultimate purpose shall be explicitly stated, and that the implementation program must, at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements. The General Order is consistent with the NPS Policy.
40. State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16)

requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards).

The Central Valley Water Board has information in its records that has been collected by the Central Valley Water Board, dischargers, educational institutions, and others that demonstrates that many water bodies within the Central Valley Region may be impaired at various times by or contain various constituents, including pesticides or other contaminants. Such water bodies are not high quality waters with respect to those constituents within the meaning of Resolution No. 68-16 and it is not necessary for the Central Valley Water Board to conduct an anti-degradation analysis. This Order does not authorize further degradation of such waters. The Tulare Lake Basin Basin Plan expressly recognizes that valley floor waters are not regarded as high quality waters.

The Order requires persons who obtain coverage under the General Order to comply with applicable water quality standards, protect beneficial uses, and prevent nuisance by implementing MRPs, evaluating the effectiveness of management practices, and where water quality exceeds applicable water quality standards, by identifying and implementing additional management practices to comply with applicable water quality standards. The General Order requires management practices to be implemented to achieve applicable water quality standards and to prevent nuisance. These conditions are enforceable and the General Order may be modified or terminated by the Board at any time.

41. Neither the Water Code nor Resolution No. 68-16 requires instantaneous compliance with applicable water quality standards. Discharges from irrigated lands can and/or do contain wastes, as defined in Water Code section 13050, that could affect the quality of the waters of the State. The General Order requires Coalition Groups and/or Dischargers to implement management practices to control the discharge or reduce wastes in the discharges to achieve compliance with applicable water quality objectives, protect the beneficial uses of waters of the State, and to prevent nuisance. Changes in water quality that may occur as a result of the General Order will be to improve, over time, the quality of the waters, not to cause further degradation. Thus, any change in water quality will be consistent with maximum benefit to the people of the State and will not unreasonably affect beneficial uses.
42. The United States Environmental Protection Agency adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. The NTR and CTR contain

water quality criteria which, when combined with beneficial use designations in the Basin Plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters. In March 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan or SIP), which contains guidance on implementation of the NTR and the CTR. The SIP, which was amended on 12 August 2005, states that implementation of the NTR and the CTR for agricultural nonpoint sources of pollution shall be consistent with the State's NPS Policy.

43. This General Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order and Attachments require compliance with applicable water quality standards, including water quality objectives set forth in the applicable water quality control plans and federal water quality criteria set forth in federal regulations. Compliance with such objectives will result in protection of the beneficial uses of waters of the State. Attachment B sets forth a condition that requires compliance with the Endangered Species Acts.

RATIONALE FOR GENERAL ORDER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

44. In 1982, the Central Valley Water Board adopted Resolution No. 82-036 that conditionally waived WDRs for 23 categories of discharges, including irrigation return water and storm water runoff (1982 Waiver). Pursuant to Water Code Section 13269, these waivers terminated on 1 January 2003. On 5 December 2002, prior to the termination of the 1982 Waiver, the Central Valley Water Board adopted Resolution No. R5-2002-0201 establishing a new *Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region* (2002 General Order). On 11 July 2003, the Central Valley Water Board adopted Resolution No. R5-2003-0105 replacing the 2002 Conditional Waiver and establishing a new *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region* (2003 Conditional Waiver).
45. The Central Valley Water Board reviewed the 2003 Waiver and determined that additional conditions were required to implement amendments to Water Code section 13269 that have occurred since adoption of the 2003 Waiver and to assure protection of water quality on June 22, 2006 the Board adopted the existing waiver R5-2006-0053.

46. The Regional Board reviewed the differences in the two Central Valley Basins and Basin Plans (Sacramento and San Joaquin River Basin and the Tulare Lake Basin), reviewed the hydrologic and agronomic differences in the Basins, and reviewed the 303(d) impaired water body listings and reviewed the agricultural waiver coalition monitoring results between the two sub-basins and recognized difficulties in administering these different sub-basins under the same conditional waiver and has decided that it is more effective to manage the sub-basins independently and promulgate a general WDR order per Section 13263 for the Tulare Lake Basin which is very parallel to the existing waiver.
47. The goal of the General Order is to improve and protect water quality by reducing discharges of waste and by providing a program to regulate discharges of waste from irrigated lands that cause or contribute to conditions of pollution or nuisance (as defined in Water Code Section 13050) or that cause or contribute to exceedances of applicable water quality standards.
48. The General Order sets forth conditions that will require Coalition Groups and/or Dischargers to 1) conduct activities required by MRP Order No. R5-2005-0833 and any revisions thereto; 2) implement and evaluate management practices that will result in achieving compliance with applicable water quality standards in the waters of the State; 3) conduct activities in a manner to prevent nuisance.
49. At this time, it is appropriate to adopt a General Order for this category of discharges because: 1) the discharges have the same or similar waste from the same or similar operations and use the same or similar treatment methods and management practices (e.g., source control, reduced chemical use, holding times, buffer zones, cover crops, etc.); 2) the Central Valley Water Board has limited facility-specific information and limited water quality data on facility-specific discharges; 3) during the past four years, the Coalition Groups through the irrigated lands Agricultural waiver have been collecting water quality and management practice data in both the Central Valley Sub-Basin and Sub-Regions; and 4) additional assessment information continues to be collected.
50. It is also appropriate to regulate discharges of waste from irrigated lands under a General Order rather than individual WDRs in order to simplify and streamline the regulatory process.
51. It is not appropriate at this time to adopt individual WDRs to regulate discharges of waste from irrigated lands in the Tulare Lake Basin because there are thousands of individual owners and/or operators of irrigated lands who may discharge waste from irrigated lands and it is neither feasible nor practicable due to limitations of Central Valley Water Board resources to adopt individual WDRs within a reasonable time. The Central Valley Water Board supports the approach of allowing Dischargers to be represented by Coalition Groups in that it can

provide a more efficient means to comply with the Porter Cologne Water Quality Protection provisions in the Water Code.

52. This action to promulgate this General Order: 1) is conditional; 2) may be terminated by the Board; 3) does not permit any illegal activity; 4) does not preclude the need for permits that may be required by other State or local government agencies; and 5) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.
53. Where other State agencies have a regulatory role for activities or pollution addressed by the conditions of the General Order, the Central Valley Water Board will work cooperatively with other State agencies in order to effectively regulate discharges of waste from irrigated lands.

SCOPE AND DESCRIPTION OF COALITION GROUP GENERAL ORDER

54. The General Order applies to discharges of waste from irrigated lands to surface waters in the Tulare Lake Basin, which are waters of the State. The General Order is designed to protect the beneficial uses of the Tulare Lake Basin waters from such discharges pursuant to the Tulare Lake Basin Basin Plan. The General Order is not intended to regulate water in agricultural fields, including, but not limited to, furrows, beds, checks, and ancillary structures, contained on private lands associated with agricultural operations. The General Order is not intended to address the lawful application of soil amendments, fertilizers, or pesticides to land.
55. The General Order applies to discharges of waste from irrigated lands to surface waters of the State in the Tulare Lake Basin. A discharge of waste to surface water subject to the General Order is one that could directly reach surface waters of the State, which include natural streams, designated agricultural drains, or to other waters which may be hydrologically connected to such waters of the State. Direct discharges may include, for example, discharges directly from piping, tile drains, ditches or sheet flow to surface waters of the State. This General Order applies to discharges of waste to surface waters of the State as a result of irrigation activities, and stormwater runoff from irrigated lands.
56. This General Order is not intended to apply to those lands that discharge waste to waters of the State only on rare occasions during large storm events. Whether or not an individual parcel will discharge waste to surface waters of the State depends on a number of factors that vary significantly from site to site. These factors include the amount and timing of rainfall, land topography, soil type, and proximity to a surface water body. It is the responsibility of the potential

- discharger to determine whether or not they discharge waste to waters of the State. The Fact Sheet (Attachment C) will assist owners and operators of irrigated lands in determining whether or not there is a discharge of waste from their lands that is within the scope of this General Order.
57. The 2003 Conditional Waiver, gave rise to uncertainty as to whether or not a particular parcel of irrigated land discharges waste to waters of the State, and if there may be discharges, whether such discharges are intended to be covered within the scope of the Waiver. This is particularly uncertain in respect to stormwater discharges. This General Order clarifies whether a particular parcel of land discharges waste and provides clarification with respect to stormwater discharges. The Central Valley Water Board has prioritized its efforts on those storm events during which the combination of rainfall, soils, topography, and the layout of the operation and structures will not result in runoff to surface water from storm events that will not occur more than once every 25 years or so. (See Fact Sheet-Attachment C)
 58. The General Order does not cover discharges of waste from irrigated lands that receive liquid waste from sources such as dairy operations and food processors. Owners and/or operators of facilities that receive such liquid waste must obtain WDRs or a separate General Order, as directed by the Central Valley Water Board.
 59. The General Order is not intended to cover discharges of waste from irrigated lands used for gardens, small vineyards, small orchards, small pastures, and small greenhouses that are used for the purpose of producing crops and/or animals for personal consumption or use, and the product or service is not sold commercially. Owners and operators of irrigated lands described in this finding are not required to submit a RWD or obtain WDRs unless directed by the Executive Officer or Central Valley Water Board.
 60. The General Order does not apply to discharges that are subject to the NPDES permit program under the Clean Water Act. Discharges of waste from irrigated lands that constitute agricultural return flows as defined in the Clean Water Act are exempt from regulation under the NPDES permit program.
 61. This Order does not supercede the Central Valley Water Board's Basin Plans and policies, including prohibitions (e.g., pesticides) and implementation plans (e.g., Total Maximum Daily Loads), or the State Water Board's plans and policies.
 62. The formation, operation, and funding of Coalition Groups is the responsibility of the local entities and/or participants of the Coalition Group.
 63. The Central Valley Water Board does not expect that all applicable water quality standards will be immediately achieved in all waters of the State in the Central

Valley Region. The conditions of the General Order, however, require actions that will lead to achieving applicable water quality standards. To satisfy the conditions of the General Order, Coalition Groups and/or Dischargers must submit technical reports, conduct monitoring of surface waters, implement management practices, evaluate the effectiveness of management practices, refine management practices to improve their effectiveness where necessary, protect against pollution and nuisance, and protect the quality of the waters of the State. MRPs must be submitted to the Central Valley Water Board. Technical reports must be submitted to the Central Valley Water Board in accordance with Water Code Section 13267. The technical reports must document the results of water quality and management practice monitoring, as defined in Attachment A, describe actions taken to correct water quality impairments and nuisance conditions, and identify future actions necessary to improve and protect water quality. The management practices must be designed and implemented to achieve improvements in water quality, achieve compliance with applicable water quality standards and demonstrate compliance with the conditions in the General Order and with State and Central Valley Water Board plans and policies. As described in Attachment B, Coalition Groups are required, if requested by the Executive Officer, to develop and implement a Management Plan when a discharge is causing or contributing to an exceedance of an applicable water quality standard.

64. To apply for coverage under the General Order, a Coalition Group must submit a complete Notice of Intent (NOI) to comply with the conditions of the Conditional Waiver for approval by the Executive Officer. Upon submittal of a complete NOI, the Executive Officer may issue a Notice of Applicability (NOA), after which the Coalition Group will be considered approved and its participants covered under the General Order. Those Coalition Groups that submitted an NOI pursuant to Resolution No. R5-2003-0105 are not required to submit a new NOI unless so requested by the Executive Officer.
65. Attachment B of the General Order describes the terms and conditions that apply to Coalition Groups that represent Dischargers as a common group.
66. This General Order may be terminated at any time by the Central Valley Water Board and may be revised by the Central Valley Water Board after a public hearing.
67. In a public hearing, all comments pertaining to this Order were heard and considered.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

68. This Order is not a new project that requires preparation of any new environmental documents to comply with CEQA. It is a reaffirmation of an

existing project in a different format (general order vs. waiver), with modifications. These findings, nevertheless, evaluate whether a subsequent environmental document is required. Public Resource Code section 21166 and Title 14 California Code of Regulations section 15162 (CEQA Guidelines) specify that when the lead agency has adopted a negative declaration for a project, the agency is not required to prepare a subsequent environmental document unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that, in summary: 1) substantial changes are proposed in the project that involve new significant environmental impacts; 2) substantial changes occur with respect to the circumstances of the project; or 3) new information of substantial importance which was not previously known shows that the project will have significant effects. None of the circumstances requiring preparation of subsequent environmental document has occurred.

69. The project is a further refinement of the Conditional Waiver originally adopted in 2003 and an additional amendment of the existing 2005 Waiver to conform it to the Tulare Lake Basin; it is not therefore a new project. Substantial changes are not proposed in the project or with respect to the circumstances of the project that would involve new significant environmental effects or a substantial increase in environmental effects. This Order will require actions to protect water quality. These actions include annual submittal of participant information, development, implementation of management practices, and implementation of Management Plans as requested by the Executive Officer, and extensive reporting and communications with regard to exceedances of applicable water quality standards.
70. Since the adoption of Waiver Resolution No. R5-2003-0105 and the Negative Declaration, much new information has become available to the lead agency. Central Valley Water Board staff has compiled nearly four years of water quality monitoring data from Central Valley Water Board sources, the South San Joaquin Water Quality Coalition Group, Water Districts and others within the Tulare Lake Basin. Water quality monitoring data from the South San Joaquin Water Quality Control Coalition Group and identified very few exceedances of applicable water quality standards. Monitoring conducted by the Coalition Group have identified very few problem sites in Tulare Lake Basin water bodies since 2003.

Waiver Coalition Phase I monitoring consisted of toxicity testing and water constituents, (Phase I) and Phase II monitoring included pesticides, nutrients, metals and general water quality parameters. From the Southern San Joaquin Valley Water Quality Coalition data, it is now known that some but rare sediment and water column toxicity exists. Of the total 156 sample events only 1.28% had *Ceriodaphnia dubia* toxicity (2 of 156) and only 3.2% (5 of 156) indicated flathead minnow toxicity. Similarly there were only two samples indicating sediment toxicity.

71. The General Order requires compliance with applicable water quality standards and requires prevention of pollution and nuisance; it does not allow violation of water quality objectives or degradation of waters of the State. The General Order establishes an iterative process that provides for the evaluation and then implementation and/or improved management practices where it is determined that discharges of waste from irrigated lands have caused or contributed to exceedances of applicable water quality standards. In addition, when it is determined that discharges of waste from irrigated lands have caused or contributed to exceedances of applicable water quality standards, the Executive Officer may request a Management Plan, which will identify the management practices that may be implemented, evaluate the effectiveness of existing management practices in achieving applicable water quality standards, and identify additional actions, including, but not limited to, different or additional management practice implementation or education outreach to achieve applicable water quality standards. The Management Plan will also include a schedule to implement the management practices and the means of assessing and evaluating their effectiveness. These conditions are consistent with the Water Code and the Basin Plans.
72. New data and information were considered in this Order. The new data and information do not show that there are any new or significant effects of the project that were not discussed in the Initial Study and Negative Declaration of the Ag waiver, nor do they show that the effects discussed would be more severe than discussed in the Initial Study and Negative Declaration. The project is the evaluation of water quality and steps required to address any problems. This General Order does not allow dischargers to degrade waters of the State and does require dischargers to comply with water quality standards, protect beneficial uses, and protect against pollution and nuisance. The project, therefore, does not cause effects that are more severe than discussed in the Initial Study and Negative Declaration associated with the Ag waiver. The conditions of the waiver, if complied with, will protect the waters of the State. Therefore, no subsequent environmental document is required for this Order.

IT IS HEREBY ORDERED that:

1. Pursuant to the Water Code, each Coalition Group, as defined in Attachment A, that is covered under the General Order, in order to meet the provisions contained in Water Code Division 7 and regulations and plans and policies adopted thereunder, shall comply with the terms and conditions contained in Attachment B.
2. Dischargers may not discharge any waste not specifically regulated by the General Order except in compliance with the Water Code.

ORDER NO. _____
COALITION GROUP GENERAL ORDER OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

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3. Dischargers who are participants in a Coalition Group shall implement management practices, as necessary, to improve and protect water quality and to achieve compliance with applicable water quality standards.
4. Coalition Groups and the Dischargers who are participants in Coalition Groups shall comply with the terms and conditions of the General Order and take action to protect waters of the State.
5. The General Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in Water Code Section 13263.
6. This Order becomes effective on January 1, 2009 and continues until rescinded or revised by the Central Valley Water Board

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order and Attachments adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

ATTACHMENT A
ORDER NO. _____
COALITION GROUP GENERAL ORDER OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

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ATTACHMENT A

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**ORDER NO. _____
APPLICABLE WATER QUALITY CONTROL PLANS,
DEFINITIONS AND INFORMATION SHEET
FOR**

**COALITION GROUP COMPLIANCE WITH GENERAL ORDER
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS**

General Order No. _____ requires the Coalition Groups and individual Dischargers to comply with applicable state plans and policies and applicable state and federal water quality standards and to take actions to prevent nuisance. The water quality standards are set forth in state and federal plans, policies and regulations. The California Regional Water Quality Control Board, Central Valley Region's (Central Valley Water Board) Water Quality Control Plans (Basin Plans) contain specific water quality objectives, beneficial uses, and implementation plans that are applicable to discharges of waste and/or water bodies that receive discharges of waste from irrigated lands. The State Water Resources Control Board (State Water Board) has adopted plans and policies that may be applicable to discharges of waste and/or water bodies that receive discharges of waste from irrigated lands. The United States Environmental Protection Agency has adopted the National Toxics Rule and the California Toxics Rule, which constitute water quality criteria that apply to waters of the United States. The specific waste constituents to be monitored within each Coalition Group boundaries and the applicable water quality standards that protect identified beneficial uses for the receiving water will be set forth in the monitoring and reporting program.

This Attachment A lists the relevant plans, policies, and regulations, contains definitions of terms used in General Order No. _____, and includes an Information Sheet to clarify the "tributary rule" in the Basin Plans.

WATER QUALITY CONTROL PLANS

The Tulare Lake Basin Basin Plan has been adopted by the Central Valley Water Board and is available on the Central Valley Water Board's website at www.waterboards.ca.gov/centralvalley or by contacting the Central Valley Water Board at (916) 464-3291. Basin Plans are revised periodically.

Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2004

OTHER RELEVANT PLANS AND POLICIES

State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*

State Water Board Resolution No. 88-63, *Sources of Drinking Water Policy*, May 1988

Consolidated Toxic Hot Spots Cleanup Plan, June 1999

Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 2004

National Toxics Rule, 40 CFR 131.36

California Toxics Rule, 40 CFR 131.38

DEFINITIONS

The following definitions apply to the General Order and the associated Monitoring and Reporting Program as related to discharges of waste from irrigated lands in the Tulare Lake Basin. All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (California Water Code Division 7), unless specified otherwise.

- a. Coalition Group - Any group of Dischargers, participants, and/or organizations that form to comply with the General Order and Porter-Cologne Water Quality Control Act. Coalition Groups can be organized on a geographic basis or can be groups with other factors in common such as commodity groups.
- b. Discharger - The owner and/or operator of irrigated lands that discharge or have the potential to discharge waste that could directly or indirectly reach surface waters of the State in the Tulare Lake Basin and could affect the quality of the waters of the State.
- c. Discharges of waste from irrigated lands – Surface discharges, such as irrigation return flows, tailwater, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, stormwater runoff

conveyed in channels or canals resulting from the discharge from irrigated lands, and/or operational spills containing waste.

- d. Exceedance - For the purposes of the Conditional Waiver, an exceedance is a reading using a field instrument or a detection by a California State-certified analytical laboratory where the detected result is above an applicable water quality standard for the parameter or constituent. For toxicity tests, an exceedance is a result that is statistically different from the control sample test result.
- e. Irrigated lands – Lands where water is applied to produce crops, including, but not limited to, land planted to row, vineyard, pasture, field and tree crops, commercial nurseries, nursery stock production, managed wetlands, and greenhouse operations with permeable floors that do not currently discharge under waste discharge requirements, National Pollutant Discharge Elimination System (NPDES) permits, Municipal Separate Storm Sewer System permits, or other NPDES permits.
- f. Irrigation return flow – Surface and subsurface water which leaves the field following application of irrigation water.
- g. Liquid waste - Any waste materials, which are not spadable.
- h. Monitoring - All types of monitoring undertaken in connection with determining effects on water quality, water quality conditions, and factors that may affect water quality conditions. Monitoring includes, but is not limited to, in-stream water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, active inspections of operations, and management practice implementation and effectiveness monitoring. The purposes of monitoring include evaluating the quality of waters in the Tulare Lake Basin as protecting designated beneficial uses.
- i. Operational spill – Irrigation water that is diverted from a source such as a river, but is discharged without being delivered to or used on an individual field.
- j. Receiving waters - Surface waters that receive or have the potential to receive discharges of waste from irrigated lands.
- k. Requirements of applicable water quality control plans - Water quality objectives, prohibitions, legislation of beneficial uses, Total Maximum Daily Load Implementation Plans, or other requirements contained in

COALITION GROUP GENERAL ORDER OF
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water quality control plans adopted by the Central Valley Water Board and approved according to applicable law.

- l. Stormwater runoff – The runoff of precipitation from irrigated lands.
- m. Subsurface drainage – Water generated by installing and operating drainage systems to lower the water table below irrigated lands. Subsurface drainage systems, deep open drainage ditches, or drainage wells can generate this drainage.
- n. Tailwater – The runoff of irrigation water from an irrigated field.
- o. Waste – As defined in California Water Code (Water Code) Section 13050. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purposes of disposal. Waste specifically regulated by the General Order includes: earthen materials, such as soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, and nitrogen; organic materials, and pesticides that enter or have the potential to enter waters of the State. Examples of waste not specifically regulated by the Conditional Waiver include hazardous and human wastes.
- p. Water District – California law defines a water district. For purposes of this General Order, a water district is any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. (Water Code Section 20200.) Such districts include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, and water agencies. Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands and directly or indirectly adds or concentrates containments, and then discharges or threatens to discharge such water to other waters of the State.

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- q. Waters of the State – As defined in Water Code Section 13050. Any surface water or groundwater, including saline waters, within the boundaries of the State. The Conditional Waiver regulates discharges of waste from irrigated lands to surface waters.
- r. Water Quality Standards – Water quality objectives in the Central Valley Water Board's Basin Plans, water quality criteria in the California Toxics Rule and National Toxics Rule adopted by U.S. EPA, and/or water quality objectives in other applicable State Water Board plans and policies.

ATTACHMENT B

ORDER NO. _____

TERMS AND CONDITIONS

**COALITION GROUP GENERAL ORDER
OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS**

Attachment B to Order No. _____ contains the terms and conditions of the *Coalition Group General Order of Waste Discharge Requirements for Discharges from Irrigated Lands* (General Order). The General Order allows compliance with the Water Code without requiring individual filing of waste discharge requirements (WDRs) and reports of waste discharge for discharges of waste from irrigated lands to surface waters within the Tulare Lake Basin. The General Order establishes terms and conditions with which Coalition Groups must comply to obtain coverage under and to be considered in compliance with the Water Code. Order No. _____ defines "discharges of waste from irrigated lands" as including surface discharges, such as irrigation return flows, tailwater, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge of waste from irrigated lands, and/or operational spills containing waste.

The Coalition Groups and/or Dischargers shall comply with the following conditions:

A. General

- a. The Coalition Group and/or Dischargers shall comply with all conditions of the General Order, including timely submittal of all technical reports specified in **Part B. Technical Reports**. Violations may result in enforcement action under the California Water Code (Water Code), including Central Valley Regional Water Quality Control Board (Central Valley Water Board) orders, or termination of coverage under the General Order for Coalition Groups or for individual Dischargers who are participating in Coalition Groups.
- b. The reports submitted to comply with the General Order shall be signed by a representative authorized by the Coalition Group.

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- c. Any person signing a report submitted as required by the Coalition Group General Order shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations."

- d. Coalition Groups shall comply with Coalition Group Monitoring and Reporting Program (MRP) Order No. R5-2008-0005, which is required by the General Order.
- e. The Coalition Group shall maintain a Participant List with information concerning each Participant who is knowingly participating in the Coalition Group. The Participant List shall include, at a minimum, (a) an assessor parcel number, (b) parcel size, (c) parcel owner or operator name, and (d) parcel owner or operator mailing address.
- f. Each Coalition Group shall submit either an electronic list of the landowners and/or operators of irrigated lands that discharge waste to waters of the State who are knowingly participating in the Coalition Group or an electronic map, in GIS format specified by the Executive Officer, showing both participants and non-participants. The electronic map shall include the following information: (a) assessor parcel number; (b) parcel size; (c) parcel owner or operator name; (d) parcel owner or operator mailing address, and (e) whether the owner or operator of the parcel is knowingly participating in the Coalition Group. The list shall include: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner or operator name, and (d) parcel owner or operator mailing address. To the extent information required by this section may not be disclosed because it requires the disclosure of confidential or proprietary information, including names and addresses, in violation of state or federal statutes, the Coalition Group must provide a detailed area map(s) that clearly delineates the coverage area and acreage. The information provided by a Coalition Group to comply with this condition is subject to public disclosure unless subject to an exemption under applicable law, including the California Public Records Act.

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- g. Coalition Groups and/or Dischargers shall comply with applicable Total Maximum Daily Loads established in the Tulare Lake Basin and implementation plans in the Basin Plans.
- h. Dischargers who are participating in a Coalition Group shall implement management practices, as necessary, to achieve best practicable treatment or control of the discharge to reduce wastes in the discharges to the extent feasible and that will achieve compliance with applicable water quality standards, protect the designated beneficial uses of waters of the state, and prevent nuisance.
- i. The Central Valley Water Board staff may investigate the property of persons subject to the Conditional Waiver pursuant to Water Code Section 13267(c) to ascertain whether the purposes of the Porter-Cologne Water Quality Control Act are being met and whether the conditions of the General Order are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50). In the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.
- j. The Coalition Group and/or Dischargers shall take all reasonable steps to prevent any discharge in violation of the General Order.
- k. The Coalition Group and/or Dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system, including management practices and monitoring devices installed or used to achieve compliance with the General Order.
- l. This General Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any action authorized under this Order, the dischargers shall obtain authorization for an incidental take prior to construction or operation of the project. The dischargers shall be responsible for meeting all requirements of the applicable Endangered Species Act.

B. Technical Reports

- a. A Coalition Group, on behalf of its Participants who are seeking to be covered under the General Order, shall submit a completed Notice of Intent (NOI), which shall contain all of the information requested in the NOI form, which is included at the end of this Attachment B, in a format as approved by the Executive Officer.
 - (1) The NOI shall identify the representative(s) authorized to sign reports submitted on behalf of the Coalition Group.
 - (2) The NOI shall contain either an electronic list of landowners and/or operators of irrigated lands that discharge waste to waters of the State or a detailed map identifying participants and non-participants, who are knowingly participating in the Coalition Group. This Participant List shall include: (1) assessor parcel number; (2) parcel size; (3) parcel owner or operator name; and (4) parcel owner or operator mailing address.
- b. A Coalition Group that submits an NOI shall, concurrently, submit a General Report.
 - (1) The General Report shall identify the lead agencies and/or organizations that will develop a watershed or sub-watershed program, the key contact(s), a description of the watershed, and a commitment to work with the Central Valley Water Board to satisfy the conditions of this General Order.
 - (2) The General Report shall provide a detailed map of the area included within the Coalition Group. The General Report and the map shall identify individual parcels and/or districts that are participating in the Coalition Group.
 - (3) The General Report shall represent that they have available funding mechanisms that will support the Coalition Group administrative costs, water quality monitoring, management practice evaluation and development, and other costs necessary to ensure compliance with the General Order.
- c. Upon submittal of a complete NOI and approval of the NOI, the Executive Officer may issue a Notice of Applicability (NOA) to extend coverage to the Coalition Group under the General Order. Those Coalition Groups that have submitted an NOI and received an NOA pursuant to the agricultural waiver per Resolution No. R5-2003-0105 are not required to submit a new NOI unless so requested by the Executive Officer.

- d. Each Coalition Group that receives an NOA shall submit and implement a Monitoring and Reporting Program (MRP) Plan as specified in Coalition Group MRP Order No. R5-2008-0005, or as revised by the Executive Officer, which is required by the Conditional Waiver. The purposes of the MRP Plan include, but are not limited to, the following: 1) to determine whether the discharge of waste from irrigated lands within the Coalition Group boundaries causes or contributes to exceedances of applicable water quality standards or causes nuisance; 2) to provide information about the Coalition Group area characteristics, including but not limited to, land use, crops grown, and chemicals used; 3) to monitor the effectiveness of management practices implemented to address exceedances of applicable water quality standards; 4) to determine management practices are most effective in reducing wastes discharged to surface waters from irrigated lands, 5) to specify details about monitoring periods, parameters, protocols, and quality assurance, 6) to support the development and implementation of the General Order, 7) to verify the adequacy and effectiveness of the General Order's conditions, and 8) establish guidance on monitoring data criteria for expanding and reducing..
- e. If the Coalition Group wishes to terminate coverage under the General Order, the Coalition Group shall submit a complete Notice of Termination (NOT). The NOT form is included at the end of this Attachment B. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. Any discharges on or after this date shall be considered in violation of the Conditional Waiver, unless other Waivers of WDRs, General WDRs, or individual WDRs cover the discharge.
- f. Upon a determination by either the Coalition Group or Dischargers that a discharge is causing or contributing to an exceedance of an applicable water quality standard, the Coalition Group or Discharger shall promptly notify the Central Valley Water Board in writing. Based on this information or other information available to the Central Valley Water Board, the Coalition Group or Discharger shall, upon written notice by the Central Valley Water Board Executive Officer, submit a technical report called a Management Plan to the Central Valley Water Board as follows:
 - (1) The Management Plan shall evaluate the effectiveness of existing management practices in achieving applicable water quality standards, identify additional actions, including different or additional management practices or education outreach that the Coalition Group and/or its Participants propose to implement to

- achieve applicable water quality standards, and identify how the effectiveness of those additional actions will be evaluated.
- (2) The Management Plan shall include a specific monitoring plan and a schedule to implement additional management practices to achieve applicable water quality standards.
 - (3) The Management Plan shall designate the person(s) who will implement, assess and evaluate the Management Plan and each person's area(s) of responsibility.
 - (4) The Coalition Group and/or its Participants shall submit any modifications to the Management Plan required by the Central Valley Water Board and address the Central Valley Water Board's comments within 90 days of written notification, unless otherwise directed by the Executive Officer.
 - (5) The Management Plan may be incorporated into the Monitoring and Reporting Program Plan, unless the Central Valley Water Board Executive Officer directs otherwise.
- g. All reports submitted pursuant to the General Order shall be available for public inspection at the Central Valley Water Board offices, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including trade secrets and secret processes under Water Code Section 13267(b)(2), and the Public Records Act. NOIs shall generally not be considered confidential. If the Discharger asserts that all or a portion of a report is subject to an exemption from public disclosure, the Discharger must clearly indicate on the cover of the Report that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a complete report with those portions that are asserted to be exempt in redacted form, submit separately-bound unredacted pages (to be maintained separately by staff), and provide an explanation of how those portions of the reports are exempt from public disclosure. The Central Valley Water Board staff shall determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Valley Water Board staff disagrees with the asserted exemption from public disclosure, the Central Valley Water Board staff shall notify the Discharger prior to making such report or portions of such report available for public inspection.
- h. All technical reports submitted pursuant to the General Order are required pursuant to Water Code Section 13267. Failure to submit technical reports

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in accordance with schedules established by the General Order and/or its attachments, or failure to submit a complete technical report (i.e., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code Section 13268.

C. Water Quality Standards

- a. Coalition Groups and Dischargers must comply with applicable water quality standards, as defined in Attachment A. The specific waste constituents to be monitored within each Coalition Group boundary and the applicable water quality objectives that protect identified beneficial uses for the receiving water will be set forth in the MRP. Dischargers shall not cause or contribute to an exceedance of any applicable water quality standard.
- b. Coalition Groups and/or Dischargers shall implement management practices to achieve best practicable treatment or control of the discharge that will reduce wastes in the discharges to the extent feasible and that will achieve compliance with applicable water quality standards, protect the beneficial uses of waters of the State, and prevent nuisance.

D. Time Schedule

Pursuant to Water Code Section 13267, the following technical reports are required to be submitted to the Central Valley Water Board, as directed by the Executive Officer, as a condition of the General Order.

<u>Task</u>	<u>Compliance Date</u>
MRP Plan	120 days after filing of NOI
Revised MRP Plan following revision of MRP	Six months after amendment
Irrigation Season and Storm Season Monitoring Report	31 December of each year
Management Plan	As required by the Executive Officer

E. Fees

ATTACHMENT B

ORDER NO. _____

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COALITION GROUP GENERAL ORDER OF
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Each Discharger who participates in a Coalition Group, or the Coalition Group on behalf of its Participants, shall pay any applicable fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

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NOTICE OF INTENT

TO COMPLY WITH
ORDER NO. _____

COALITION GROUP GENERAL ORDER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

1. COALITION GROUP INFORMATION

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

The Coalition Group representative's information shall be included in the above information box.

The NOI shall contain an electronic list of landowners and/or operators of irrigated lands that discharge waste to waters of the State, who are knowingly participating in the Coalition Group which included: (1) assessor parcel number; (2) parcel size; (3) parcel owner or operator name; and (4) parcel owner or operator mailing address or a detailed map. (EXPAND)

The Central Valley Water Board may further specify the information to be included. This information shall be provided to the Central Valley Water Board upon request, within the time specified by the Central Valley Water Board, which time shall not exceed 60 days.

2. REASON(S) FOR FILING

<input type="checkbox"/> New Discharge or Coalition Group <input type="checkbox"/> Existing Coalition Group <input type="checkbox"/> Change of Coalition Group boundary	<input type="checkbox"/> Changes in Ownership/Operator or addition of Discharger(s) to Coalition Group <input type="checkbox"/> Other:
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3. ADDITIONAL INFORMATION

Please attach the following information to this NOI:

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1. A site map, which shows the geographic boundaries of the Coalition Group and identifies the surface watercourses within these boundaries.
2. Use the space below, or attach additional sheets, to explain any response that needs clarification.

4. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, complete, and that those individual Dischargers listed in the Member Document have elected to join the Coalition Group. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____

Title: _____

Signature: _____

Date: _____

ORDER NO. _____
COALITION GROUP GENERAL ORDER OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

NOTICE OF TERMINATION

TO COMPLY WITH
ORDER NO. _____

COALITION GROUP GENERAL ORDER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

This document is only to be used for Coalition Groups that have been issued a Notice of Applicability by the Executive Officer. Submission of this Notice of Termination constitutes official notification to the Central Valley Water Board that the Coalition Group identified below elects not be covered under Order No. _____, *Coalition Group General Order of Waste Discharge Requirements for Discharges from Irrigated Lands*.

1. COALITION GROUP INFORMATION¹

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

¹ The Coalition Group representative's information shall be included in the above information box.

2. REASON FOR TERMINATION

<input type="checkbox"/> Coalition Group is no longer functioning under the Conditional Waiver for Coalition Groups	<input type="checkbox"/> Other: Provide Comments _____
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COALITION GROUP GENERAL ORDER OF
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FOR DISCHARGES FROM IRRIGATED LANDS

3. CERTIFICATION

I certify under penalty of law that (1) I am not required to be covered under the Coalition Group General Order of Waste Discharge Requirements For Discharges From Irrigated Lands, and (2) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that submittal of this Notice of Termination does not release a facility from liability for any violations of the Coalition Group General Order.

Print Name: _____

Title: _____

Signature: _____

Date: _____

ATTACHMENT C

ORDER NO. _____

FACT SHEET

**COALITION GROUP GENERAL ORDER
OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS**

SECTION 1. PURPOSE:

- This document provides clarification with respect to the General Order for Discharges in the Tulare Lake Basin.
- This Fact Sheet may be revised from time to time, as appropriate.

SECTION 2. WHAT THE WATER CODE REQUIRES:

The Porter-Cologne Water Quality Control Act (found in California Water Code, Division 7) is very broad in scope. The California Water Code regulates any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State. The term "waste" is very broadly defined and the term "waters of the state" includes all surface water and groundwater within the State. The California Water Code applies to point sources and non-point sources. Persons who discharge waste (dischargers) can be regulated by the Water Board in several ways, including prohibitions of discharge, individual waste discharge requirements (a permit), general order waste discharge requirements, or a waiver of waste discharge requirements (individual or by coalitions).

What is a "discharge"?

A discharge would occur when any amount of wastewater that leaves property and enters surface waters of the State. The discharge does not have to be directly to surface water. For purposes of this program, it may first flow over a neighbor's property or through a drain along the edge of the field.

Who is a "discharger"?

A discharger may include persons, individuals, corporations, cities, special districts, farm

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owners, or tenant farmers who release waste that could affect the quality of the water of the State.

What is "waste"?

Waste is broadly defined in the California Water Code to include any and all waste substances that may include, but are not limited to soil, silt, sand, clay, rock, metals, salts, boron, selenium, potassium, nitrogen, pesticides, and fertilizers.

What are "waters of the State"?

Waters of the State include any surface or groundwater within the boundaries of the State. Waters of the State include, for example, natural streams, ditches or canals, ponds, and some agriculturally-dominated waterways, and constructed agricultural drains.

SECTION 3. WHO IS ELIGIBLE FOR COVERAGE UNDER THE GENERAL ORDER:

The General Order applies to discharges of waste from irrigated lands to surface waters of the State with the Tulare Lake Basin as a result of irrigation activities and storm water runoff, and certain water district operations. A discharge of waste to surface water subject to the General Order is one that could directly or indirectly reach surface waters of the State, which include natural streams, constructed agricultural drains, agriculturally dominated waterways, and other non-stream tributaries, or to other waters which may be hydrologically connected to such waters of the State. Direct discharges may include, for example, discharges directly from piping, tile drains, ditches or sheet flow to surface waters of the State. Indirect discharges may include, for example, discharges from one parcel to another parcel and then to surface waters of the State.

Is runoff from tailwater a discharge?

Yes, if it ultimately may reach a water of the State. However, if you recycle all tailwater, operate a "closed irrigation/drainage system," or use a high efficiency irrigation system, it may be possible to prevent tailwater runoff (discharge of waste) to surface waters.

Is runoff from storm water a discharge?

Yes, if it ultimately may reach a water of the State.

Is it possible to own or operate irrigated lands and not discharge?

Yes, it is possible, but a thorough site evaluation is recommended. In addition, you may consider consulting with technical or legal professionals to assist in better understanding your rights and obligations under the regulatory program.

How can I tell if I have runoff from my fields or property?

Whether you have irrigation or storm water runoff from your fields depends on a number of factors that may be evaluated by visually inspecting the field and/or consulting reference materials or professionals. These factors may include but are not limited to site location and characteristics, the application rate of the water, existing soil moisture, the soil type, and the slope of the land.

What are some of the things I should keep in mind when evaluating my fields?

- Physical obstructions that keep water from running off your field; e.g., berms, roads, ponds, canal banks or other structures higher than surrounding land can capture and contain runoff.
- Historical drainage patterns.
- Conveyance facilities at or near the low spot(s) in fields.
- Proximity to conveyance facilities.
- Visual signs of erosion such as gullies or washouts that appear during or after irrigation or rainfall events.
- Field slope. Slopes greater than 1 or 2 percent for most soil types will result in runoff.
- If you are a member of an entity such as a drainage district that provides its members with access to pipes, canals or ditches to remove or drain tailwater or storm water in your area.

What if I do not directly discharge to surface water?

It does not matter. The discharge from your property does not need to be directly to a "surface water." If your irrigation or storm water runoff can flow across roads, through someone else's pasture or land, down a ditch, and eventually make it to surface water, then you are considered to have a discharge to surface water.

My land is located in an area of very little rainfall, Normally, rainwater that falls on my land infiltrates into the ground and does not run off the site. Are sites that only discharge under extreme rain events required to seek coverage under the General Order?

The intent of the General Order is to prioritize efforts with respect to storm water discharges from irrigated lands that occur during normal and slightly above normal rain

events and not from rare or extreme storm events. The amount of rainfall that creates runoff under normal storm events varies throughout the region and is influenced by a number of factors. The Central Valley Water Board has prioritized its efforts on those storm events during which the combination of rainfall, soils, topography, and the layout of the operation and structures will not result in runoff to surface water from storm events that will not occur more than once every 25 years or so.

So if I do not have storm water runoff and I have no irrigation runoff, do I need to enroll? (For example, if I am on a drip system and have practices in place to prevent erosion?)

No. However, it is important to keep in mind that although drip systems are generally less likely than furrow or flood irrigation to result in runoff to waters of the State, there is still a potential effect on surface water if the system is not properly operated or maintained, and management practices are not adequate to prevent the movement of waste to surface waters.

What if a grower farms in more than one region?

Growers must comply with the regulatory requirements of the Water Board where the farm is located. However, all Water Boards rely on implementation of best management practices to protect water quality.

SECTION 4. WHAT THE GENERAL ORDER REQUIRES

If you discharge waste from irrigated lands to surface waters of the State, you need to either file a Report of Waste Discharge (i.e., permit application), comply with a General Order, cease discharging, or obtain coverage under either the Individual Discharger or Coalition Group Conditional Waiver. The specific requirements for compliance can be found by getting information as identified below. However, the following conditions generally apply:

- Implement management practices to protect water.
- Comply with water quality standards.
- Conduct monitoring or join a waiver or general order Coalition Group that is conducting monitoring.
- Prevent pollution of surface water.
- Avoid nuisance conditions, such as odor.
- Pay applicable fees.

ATTACHMENT C

ORDER NO. _____

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How do I get more information?

You may send your questions and comments to Irrlands@waterboards.ca.gov or call program staff at (916) 464-3291 (an operator will direct your question or comment to the appropriate staff).

Approved: _____

Date: _____